ONUSAL
EL SALVADOR

MEXICO AGREEMENTS

The Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (hereinafter "the Parties"),

Reaffirming their intention to make speedy progress towards the re-establishment of peace, national reconciliation and the reunification of Salvadorian society in accordance with the common will of the Salvadorian people, as expressed by both Parties in the Geneva Agreement of 4 April 1990;

Considering that the peace negotiations that are being held in pursuance of the Geneva Agreement and the Caracas Agenda of 21 May 1990 call for certain constitutional reforms in support of the political agreements issuing therefrom;

Bearing in mind the urgent need to submit to the Legislative Assembly whose term expires on 30 April 1991 those constitutional reforms on which the Parties have reached agreement, even though such agreements are partial and do not deal with all aspects under the item as envisaged in the Caracas Agenda;

Considering that various matters on which agreement has been reached may be dealt with in practice through secondary legislation or new political agreements elaborating on constitutional provisions;

Have reached the agreements which are outlined below covering constitutional reforms and issues to be dealt with in secondary legislation, as well as in other political agreements:

1. ARMED FORCES

1. Agreements on constitutional reforms entailing:

a) A clearer definition of the subordination of the armed forces to the civil authorities.

b) The establishment of the National Civil Police for the maintenance of peace, tranquillity, order and public security in both urban and rural areas, under the control of the civil authorities. It is clearly understood that the National Civil Police and the armed forces shall be independent and shall be placed under the authority of different ministries.

c) The establishment of the State Intelligence Agency independent of the armed forces and under the direct authority of the President of the Republic.

d) The redefinition of the military justice system with a view to ensuring that only those cases which involve legal issues of a strictly military character will be submitted to it.

2. Other issues considered in the negotiations have been left to be dealt with in secondary legislation or in the political agreements on the armed forces. These include:

a) Paramilitary forces.

b) Forcible recruitment.

c) Aspects relating to the management of the State security and intelligence organs.

d) Issues relating to the personnel of the armed forces and the National Civil Police.

e) The emphasis which should be given in the professional training of personnel serving in the defence and

public security forces to the pre-eminence of human dignity and democratic values, respect for human rights and the subordination of such forces to the constitutional authorities.

The foregoing is without prejudice to the other outstanding issues under the item on the armed forces, with respect to which the Parties reaffirm that they stand ready, and hope, to reach overall agreements in the next stage of the negotiating process.

2. JUDICIAL SYSTEM AND HUMAN RIGHTS

1. Agreements on constitutional reforms designed to improve major aspects of the judicial system and establish safeguards for human rights, such as:

a) A new organization of the Supreme Court of Justice and a new procedure for the election of Supreme Court judges. Henceforth, a two-thirds majority of deputies to the Legislative Assembly will be required for the election of judges of the Supreme Court of Justice.

b) Allocation for the judiciary branch of government of annual budget resources of not less than 6 per cent of current income.

c) Establishment of the post of National Counsel for the Defence of Human Rights, whose primary function shall be to promote and ensure respect for human rights.

d) Election of the Attorney-General of the Republic, the Chief State Counsel and the National Counsel for the Defence of Human Rights by a two-thirds majority of deputies to the Legislative Assembly.

2. Other issues considered in the negotiations have been left to be dealt with in secondary legislation and in other political agreements. Although the set of political agreements on the judicial system envisaged by the Parties in the Caracas Agenda has still to be negotiated, agreement was reached during the current round on the following:

a) National Council of the Judiciary

Agreement was reached to redefine the structure of the National Council of the Judiciary so that its composition guarantees its independence from the other branches of government and the political parties, and includes not only judges but also sectors of society that are not directly connected with the administration of justice.

b) Judicial Training School

The National Council of the Judiciary shall be responsible for organizing and operating the Judicial Training School, whose purpose shall be to ensure continuing improvement in the professional training of judges and other judicial officials.

c) Career judicial service

The secondary legislation shall include provisions to ensure that admission to the career judicial service is based on procedures guaranteeing objective selection, equal opportunity for all candidates, and the selection of the best qualified candidate. Such procedures shall include competitive examinations and graduation from the Judicial Training School.

3. ELECTORAL SYSTEM

1. Agreements on constitutional reforms entailing:

a) The establishment of a Supreme Electoral Tribunal to replace the Central Electoral Board. The Supreme Electoral Tribunal shall be the highest administrative authority and jurisdiction with respect to electoral matters. It has been agreed that the composition of the Tribunal shall be dealt with in the secondary legislation, which shall ensure that no party or coalition of parties exercises a dominant influence within it. It has also been agreed that the Supreme Electoral Tribunal shall be composed of members who are not affiliated with any party and who shall be elected by a qualified majority of the Legislative Assembly.

b) It has also been agreed that legally registered political parties shall have the right to monitor the com-

pilation, organization, publication and updating of the electoral roll.

2. Other issues considered in the negotiations have been left to be dealt with in the secondary legislation and other political agreements. Although the set of political agreements on the electoral system envisaged by the Parties in the Caracas Agenda is still to be negotiated, agreement was reached during the current round on the following:

a) For the purpose of compiling the electoral roll, the list of citizens eligible to vote shall be published at least 20 days before the date of the election. A simple and expeditious procedure shall be established for dealing with legitimate corrections requested by any interested party.

b) Within 60 days after the setting up of the new Supreme Electoral Tribunal, a special commission presided over by the Tribunal and composed of representatives of all legally registered parties, with the possible inclusion of independent experts, shall be established to prepare a comprehensive proposal for reform of the electoral system.

4. COMMISSION ON THE TRUTH

Agreement has been reached on the establishment of a Commission on the Truth, which shall be composed of three individuals appointed by the Secretary-General of the United Nations, after having heard the views of the Parties. The Commission shall elect its President. The Commission shall be entrusted with the task of investigating the grave incidents of violence which have occurred since 1980, which have left a mark on society that demands as a matter of the greatest urgency that the public should know the truth. The Commission shall take into account:

a) The exceptional importance which may be attached to the acts that are to be investigated, their characteristics and impact, and the social upheaval to which they gave rise; and

b) The need to create confidence in the positive changes which the peace process is promoting and to foster steps towards national reconciliation.

The features, functions, powers and other issues relating to the Commission on the Truth are dealt with in the relevant annex.

5. FINAL DECLARATION

The Parties state for the record that the foregoing is a summary of the main political agreements which they reached during the round of negotiations held in Mexico City, D.F., between 4 April 1991 and this date. This summary shall in no way detract from, impair or nullify the authentic text of all the agreements reached, which have been annexed to this document.

The Parties likewise reaffirm their commitment to taking all necessary steps to give effect to the agreements. In particular, the Government of El Salvador solemnly undertakes to promote the approval by the current legislature of the constitutional reforms agreed upon between the Parties in this round of negotiations. Matters relating to the ratification of these reforms shall be considered in the framework of the negotiations under way in the context of the timetable for the implementation of the future agreements.

The Parties undertake to pursue the negotiations within a concentrated scheme, continuing the discussion of the list of issues agreed upon in the Caracas Agenda, with a view to reaching, as a matter of priority, a political agreement on the armed forces and the necessary agreements for the cessation of the armed conflict, under United Nations supervision.

Further careful preparation will be required for these negotiations on the basis of the important work that has been done in recent months and more especially in recent weeks. Such preparation is an integral part of the negotiating process and hence the latter process should not be considered as suspended. A brief direct meeting of an organizational nature is planned for early May and the direct negotiations are scheduled to resume in the latter half of the month. In keeping with past practice, neither the exact dates nor the venue shall be made public in advance.

6. UNILATERAL DECLARATION BY FMLN

FMLN states that the provision of article 211 describing the armed forces as a "permanent" institution is not compatible with its position on the matter. It states that it considers that there are constitutional reforms still subject to negotiation, including, in particular, demilitarization, article 105 on limitations on the ownership of farmland and the necessity of revising the procedure for reform of the constitution, through either amendment of article 248 or other procedures such as consultation with the people. FMLN maintains its position on all these points.

Mexico City, 27 April 1991

Representing the Government of El Salvador:

(SIGNED)
Dr. Oscar Santamaría
Col. Juan Martínez Varela
Col. Mauricio Ernesto Vargas
Dr. David Escobar Galindo
Dr. Abelardo Torres
Dr. Rafael Hernán Contreras

Representing the Frente Farabundo Martí para la Liberación Nacional:

(SIGNED)
Comdr. Schafik Handal
Comdr. Joaquín Villalobos
Salvador Samayoa
Ana Guadalupe Martínez

(SIGNED)
Alvaro de Soto
Representative of the Secretary-General of the United Nations

THE LEGISLATIVE ASSEMBLY OF THE REPUBLIC OF EL SALVADOR:

1. Whereas it is the firm intention and duty of this Assembly to contribute to the restoration of peace, national reconciliation and the reunification of Salvadorian society, in accordance with the common will of our people, and

2. Whereas the peace negotiations that are being held in pursuance of the Geneva Agreement of 4 April 1990 and the Caracas Agenda of 21 May 1990 call for certain constitutional reforms in support of the political agreements issuing therefrom,

In exercise of the powers conferred upon it by article 248 of the Political Constitution in force,

Accordingly adopts the following constitutional reform:

Article 1 Article 30 is hereby repealed.

Article 2 In article 77, the term "Central Electoral Board" is hereby replaced by the term "Supreme Electoral Tribunal", and a new paragraph is hereby added, to read as follows:

"Political parties which are legally registered shall have the right to monitor the compiling, organization, publication and updating of the electoral roll."

Article 3 Article 131 (37) is hereby amended to read as follows:

"To recommend to the President of the Republic the dismissal of Ministers of State, or, to the relevant bodies, the dismissal of public officials of autonomous official institutions, whenever it deems it proper on the basis of investigations by Assembly special commissions or appeals commissions, as appropriate. The Assembly's decision shall be binding with regard to heads of public security and State intelligence in respect of serious human rights violations."

Article 4 Article 162 is hereby amended as follows:

"Article 162—The President of the Republic shall be responsible for appointing, dismissing, accepting resignations of and granting leaves to Ministers and Deputy Ministers of State, and to heads of public security and State intelligence."

Article 5 Article 163 is hereby amended to read as follows:

"Article 163—The decrees, decisions, orders and instructions of the President of the Republic must be countersigned and announced by Ministers, or by Deputy Ministers where appropriate, in their respective departments. Failure to comply with these requirements will render such instruments null and void."

Article 6 Paragraphs (11) and (12) of article 168 are hereby amended, and three new paragraphs, (17), (18) and (19), are added, to read as follows:

"(11) To command, organize and maintain the armed forces and confer military ranks and establish postings and duties, and relieve officers thereof, in accordance with the law.

"(12) To direct the armed forces in defence of the sovereignty of the State and its territorial integrity. Exceptionally, if normal means for the maintenance of domestic peace and public tranquillity and security have been exhausted, the President of the Republic may use the armed forces for that purpose. Such action by the armed forces shall be limited to the period and extent strictly necessary to restore order and shall cease once that objective has been attained. The President of the Republic shall keep the Legislative Assembly informed of such action, and the Assembly may, at any time, order the rescission of such exceptional measures. In any event, within two weeks of the termination of such measures, the President of the Republic shall submit to the Legislative Assembly a detailed report on any action taken by the armed forces.

"(17) To command, organize and maintain the National Civil Police in order to maintain peace, tranquillity, order and public security, in both urban and rural areas, in strict observance of human rights and under the control of the civil authorities. The National Civil Police and the armed forces shall be independent and shall be under the authority of different ministries.

"(18) To command, organize and maintain the State intelligence agency.

"(19) To determine annually a reasonable manpower level for the armed forces and National Civil Police."

Article 7 A new paragraph is hereby added to article 172, to read as follows:

"The judiciary branch of government shall receive an annual allocation of not less than 6 per cent of current income under the State budget."

Article 8 Article 174, second paragraph, is hereby amended to read as follows:

"The Constitutional Division shall comprise five judges appointed for that purpose by the Legislative Assembly. The President of the Constitutional Division shall be appointed by the Legislative Assembly whenever the latter elects judges to the Supreme Court of Justice. The same appointee shall serve as President of the Supreme Court of Justice and of the judiciary branch of government."

Article 9 Article 180 is hereby amended as follows:

"Article 180—Any person wishing to be a justice of the peace shall as a minimum be a Salvadorian citizen, a lawyer, a layman, over 21 years old, and known to be competent and of good character; he must have enjoyed the full rights of citizenship for three years previous to his appointment. Justices of the peace shall be considered members of the career judicial service.

"In cases where the National Council of the Judiciary so decides, the duties of justice of the peace may be carried out by a person who is not a lawyer or does not belong to the career judicial service. In such a case, the term of office shall be one year."

Article 10 Paragraph 9 of article 182 is hereby revised as follows:

"9. To appoint appeals court magistrates, trial judges and justices of the peace from rosters submitted by the National Council of the Judiciary, as well as forensic physicians and subordinate staff of the same court; to dismiss them, entertain their resignations and grant them leaves."

Article 11 Article 186 is hereby revised as follows:

"Article 186—A career judicial service is hereby established.

"Judges of the Supreme Court of Justice shall be elected by the Legislative Assembly for a term of nine years, with one third of the judges coming up for renewal every three years. Their tenure shall be deemed to be renewed by right unless, at the end of a judge's term of office, the Legislative Assembly decides otherwise or a judge is dismissed for cause, the causes for dismissal having been previously established by law. The affirmative vote of at least two thirds of the elected deputies shall be required in such cases.

"Judges of the Supreme Court of Justice shall be elected from a list of candidates drawn up by the National Council of the Judiciary, in the manner prescribed by law, half of the names being proposed by the associations representing the lawyers of El Salvador; the list shall include representatives of the major currents of legal thought.

"Appeals court judges, trial judges and justices of the peace who are members of the career judicial service shall enjoy security of tenure.

"The law shall ensure the protection of judges so that they may carry out their duties in complete freedom, impartially and free of any influence on the cases that come before them; it shall also provide sufficient resources for judges to receive fair remuneration and enjoy a standard of living commensurate with the level of their responsibilities.

"The law shall regulate the requirements and procedures for admission to the career judicial service, promotions, transfers, and disciplinary measures against members of the career judicial service, and other matters relating to that service."

Article 12 Article 188 is hereby revised as follows:

"Article 188—No person serving as a magistrate or judge may practise as a lawyer or notary nor serve as an employee of any other government body except as a teacher or a diplomat on a temporary assignment."

Article 13 Article 191 is hereby revised as follows:

"Article 191—Prosecutions shall be carried out by the Attorney-General of the Republic, the Chief State Counsel, the National Counsel for the Defence of Human Rights and such other officials as may be prescribed by law."

Article 14 Article 192 is hereby revised as follows:

"Article 192—The Attorney-General of the Republic, the Chief State Counsel and the National Counsel

for the Defence of Human Rights shall be elected by the Legislative Assembly, by a majority of two thirds of all elected deputies. Their term of office shall be three years and may be renewed.

"The requirements for Attorney-General or Chief State Counsel shall be the same as for appeals court judges.

"The requirements for the office of National Counsel for the Defence of Human Rights shall be determined by law."

Article 15 In Article 193, a new paragraph (3) is hereby added; paragraphs (2) and (3) are hereby amended, the latter becoming paragraph (4); and paragraph 9 is hereby repealed; the amendments read as follows:

"2. To initiate judicial action, *proprio motu* or at the request of a party, in the defence of the legal order.

"3. To direct the investigation of the offence, and particularly any acts that may give rise to criminal prosecution. To that end, under the direction of the office of the Attorney-General of the Republic, there shall be established a Crime Investigation Unit whose mandate will be prescribed by law. Nothing in these provisions shall limit the independence of a judge in investigating matters submitted to him. The Crime Investigation Unit shall diligently carry out any operation that a judge may require of it in pursuance of the stated goals.

"4. To initiate criminal prosecutions *proprio motu* or at the request of a party."

Article 16 A new article is hereby added after 193, to read as follows:

"Article 194—The National Counsel for the Defence of Human Rights shall be responsible for promoting human rights and seeing to it that they are respected. He may have permanent departmental and local representatives.

"The functions of the National Counsel shall be:

"1. To see to it that human rights are respected and guaranteed.

"2. To investigate, either *proprio motu* or on the basis of information received, cases of human rights violations.

"3. To assist alleged victims of human rights violations.

"4. To promote judicial or administrative remedies for the protection of human rights.

"5. To monitor the situation of persons deprived of their liberty. He shall be notified of all arrests and shall see to it that the legal limits on administrative detention are respected.

"6. To carry out inspections, where he believes it necessary, in order to ensure respect for human rights.

"7. To review the conduct of the Administration towards citizens.

"8. To promote human rights reforms in the different branches of government.

"9. To issue opinions on proposed legislation that would affect the exercise of human rights.

"10. To promote and propose such measures as he believes necessary in order to prevent violations of human rights.

"11. To formulate conclusions and recommendations, either publicly or privately.

"12. To prepare and issue reports.

"13. To develop a permanent programme of activities to promote a knowledge of, and respect for, human rights.

"14. Such other duties as may be assigned to him by the Constitution or the law."

Article 17 The heading of chapter VII of title VI is hereby amended to read:

"CHAPTER VII THE SUPREME ELECTORAL TRIBUNAL"

Article 18 Article 208 is hereby amended as follows:

"Article 208—The Supreme Electoral Tribunal shall be the highest administrative authority and jurisdiction with respect to electoral matters. Its decisions shall not be subject to appeal, but may be reviewed by the Tribunal itself in cases where the law so permits, and as provided in the Constitution, in cases involving a violation of the Constitution.

The membership of the Supreme Electoral Tribunal shall be determined by law, with a view to ensuring that no party or coalition of parties exercises a dominant influence within it. Likewise, appropriate steps shall be taken to ensure that the Supreme Electoral Tribunal is composed of members who are not affiliated with any party and who have been elected by a two-

thirds majority of the elected representatives in the Legislative Assembly."

Article 19 Article 209 is hereby amended as follows:

"Article 209—The agencies necessary for collecting, counting and supervising ballots and for other activities connected with the exercise of suffrage shall be established by law, with a view to ensuring that no party or coalition of parties exercises a dominant influence within them. The contending political parties shall be entitled to monitor the entire electoral process."

Article 20 Article 211 is hereby amended as follows:

"Article 211—The armed forces are a permanent institution in the service of the nation. They shall be obedient, professional, apolitical and non-deliberative."

Article 21 Article 212 is hereby amended as follows:

"Article 212—The mission of the armed forces shall be to defend the sovereignty and territorial integrity of the State. In exceptional circumstances, the President of the Republic may call upon the armed forces for the purpose of maintaining domestic peace, in accordance with the provisions of the Constitution.

"The main branches of government referred to in article 86 may call upon the armed forces in order to enforce the provisions which they have adopted within their respective spheres of competence under the Constitution for the purpose of giving effect to the Constitution.

"The armed forces shall collaborate in activities in the public interest which are assigned to them by the executive branch and shall assist the public in cases of national disaster."

Article 22 Article 213 is hereby amended as follows:

"Article 213—The armed forces shall form part of the executive branch and be subject to the authority of the President of the Republic in his capacity as Commander-in-Chief. The structure, legal regime, doctrine, membership and functioning of the armed forces shall be defined by law and by the special regulations and provisions to be adopted by the President of the Republic."

Article 23 Article 216 is hereby amended as follows:

"Article 216—Military jurisdiction shall be established. For the trial of purely military offences, there shall be special procedures and courts, as provided for by law. Military jurisdiction, as an exceptional regime from the point of view of the unity of the justice system, shall be limited to the trial of purely military offences, the latter being understood as offences which solely involve legal issues of a strictly military character.

"Military jurisdiction shall apply to members of the armed forces on active duty in the case of purely military offences.

"Article 24 Article 217 is hereby amended, as follows:

"Article 217—The manufacture, importation, exportation, trading, possession and bearing of weapons, munitions, explosives and similar articles shall be permitted only with the authorization and under the direct supervision of the executive branch, through the officials responsible for defence.

"This matter shall be regulated by a special statute."

TRANSITIONAL PROVISIONS

First: The National Counsel for the Defence of Human Rights whose post is established by this Decree shall be elected within 90 days following the ratification of the constitutional reform by the Legislative Assembly whose term begins on 1 May 1991.

Second: The secondary legislation on electoral matters shall be amended within 90 days following the ratification of the constitutional reform by the Legislative Assembly whose term begins on 1 May 1991. The new Supreme Electoral Tribunal shall be appointed within 30 days following the approval of the legislative reform.

Third: For the purpose of implementing the provisions of article 172, paragraph 4, the budgetary funds shall be allocated gradually and proportionally until the full amount is achieved, within a period of no more than four years from the date on which this Decree becomes effective.

With the aim of elaborating some of the matters which under the agreed constitutional reform have been left to be dealt with in secondary legislation, the Parties have agreed as follows:

1. THE JUDICIAL SYSTEM

a) The Supreme Court of Justice

For the purpose of the appointment of judges to the Supreme Court of Justice in accordance with the terms of the constitutional reform, the National Council of the Judiciary shall draw up a list of 60 candidates representing the major currents of legal thought and a new list shall be drawn up after each election of judges. Thirty of the candidates shall be nominated by the lawyers' associations of the various regions of the country.

b) National Council of the Judiciary

It has been agreed to reorganize the National Council of the Judiciary along the following lines:

1. The membership of the National Council of the Judiciary shall be such as to guarantee its independence from the other branches of government and from the political parties, and to ensure as far as possible that it is composed not only of judges but also of representatives of sectors of society not directly connected with the administration of justice. The Act regulating the National Council of the Judiciary shall be amended to conform to the provisions of this Agreement within 90 days of the ratification of the constitutional reform by the Legislative Assembly whose term begins on 1 May 1991. A new National Council of the Judiciary shall be elected within 90 days of the adoption of the said legal reform.

2. The responsibilities of the National Council of the Judiciary shall be to organize and operate the Judicial Training School, whose aim shall be to ensure a constant improvement in the professional training of judges and other judicial officials and of members of the Office of the Attorney-General; to do research on problems relating to the country's judiciary and propose solutions to them; and to foster greater bonds of solidarity among the members of the judicial profession and an overall consistency in the way in which the function of the judiciary in a democratic State is envisioned.

c) The career judicial service

The secondary legislation regulating the career judicial service shall satisfy the following requirements:

1. The secondary legislation shall include provisions ensuring that admission to the career judicial service is based on procedures guaranteeing objective selection, equal opportunities for all candidates, and the selection of the best-qualified candidates. Such procedures shall include competitive examinations and graduation from the Judicial Training School.

2. Candidates shall be admitted to the career judicial service only if they comply with the admission requirements established by law.

2. THE ELECTORAL SYSTEM

1. The electoral roll shall be so compiled as to allow publication of the lists of citizens entitled to vote at least 20 days in advance of the election date. A simple and expeditious procedure shall be established for taking action on legitimate corrections requested by any interested party.

2. Within 60 days after the setting up of the new Supreme Electoral Tribunal, a Special Commission shall be established, presided over by the Supreme Electoral Tribunal and composed of representatives of all legally registered parties, with the possible inclusion also of independent experts, in order to prepare a comprehensive proposal for reform of the electoral system, which is to be concluded and submitted to the Legislative Assembly within 120 days of the said Commission's establishment. The Special Commission shall in any case

be established at least two years before the next legislative elections, and the Assembly shall vote on the proposed reforms at least one year before the date of those elections.

3. THE ARMED FORCES

The political agreements on the armed forces shall be postponed for consideration under the appropriate item of the Caracas Agenda. Nevertheless, the Parties agree that those agreements shall include the following points:

1. The professional training of members of the defence and the public security forces shall emphasize the pre-eminence of human dignity and democratic values, respect for human rights, and the subordination of the said forces to the constitutional authorities.

2. The secondary legislation relating to military jurisdiction shall be amended, where necessary, with a view to ensuring that under no circumstances shall any violations whose victims are civilians or include civilians be deemed to be purely military offences or crimes and, likewise, that civilians shall not be subject to military jurisdiction under any circumstances, except in the case of military offences committed in connection with an international armed conflict in which El Salvador is involved.

COMMISSION ON THE TRUTH

The Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (hereinafter "the Parties"),

Reaffirming their intention to promote reconciliation in Salvadorian society;

Recognizing the need to clear up speedily the most egregious acts of violence, whose characteristics and impact, as well as the social upheaval to which they gave rise, demand as a matter of the greatest urgency complete knowledge of the truth as well as the strengthening of the resolve and means to establish it;

Considering that, although the need to put an end to impunity was established during the discussion of the item on the armed forces of the agenda for the negotiations adopted in Caracas on 21 May 1990, the investigation mechanisms which the Parties have been prepared to set up are addressing situations which, owing to their complexity, warrant separate treatment;

Agreeing on the advisability of carrying out that task through a procedure which is both reliable and expeditious and may yield short-term results without prejudice to the obligations incumbent on the Salvadorian courts to solve such cases and impose the appropriate sanctions on those responsible;

Have reached the following political agreement:

1. There shall be established a Commission on the Truth (hereinafter "the Commission"). The Commission shall be composed of three persons appointed by the Secretary-General of the United Nations, having heard the views of the Parties. The Commission shall elect its Chairman.

FUNCTIONS

2. The Commission shall have the task of investigating grave acts of violence that have occurred since 1980 and whose impact on society demands as a matter of the greatest urgency public knowledge of the truth. The Commission shall take into account:

a) The exceptional importance which may be attached to the acts to be investigated, their characteristics and impact, as well as the social upheaval to which they gave rise; and

b) The need to create confidence in the positive changes which the peace process is promoting and foster steps towards national reconciliation.

3. The mandate of the Commission shall include the recommendation of legal, political or administrative measures which may be inferred from the results of the investigation. Those recommendations may include measures to prevent the repetition of such acts, as well as initiatives to promote national reconciliation.

4. The Commission shall endeavour to adopt its decisions unanimously. However, if this is not possible, a vote by the majority of its members shall suffice.

5. The Commission shall not act as a judicial body.

6. If the Commission believes that any case brought to its attention does not meet the criteria set forth in paragraph 2 of this Agreement, it may refer the case to the Attorney-General of the Republic, should it deem appropriate, so that the case may be dealt with through the judicial system.

POWERS

7. The Commission shall have broad powers to organize its work and determine its methods of operation. Its activities shall be conducted in a confidential manner.

8. For the purposes of the investigation, the Commission shall have the power to:

a) Collect, by the means that it deems appropriate, all information which it considers relevant. The Commission shall be completely free to use the sources of information which it deems useful and reliable. It shall receive such information within a period of time and in a manner which it shall itself determine.

b) Interview, freely and in private, any individuals, groups or members of organizations or institutions.

c) Visit freely any establishment or place without prior notice.

d) Carry out any other measures or inquiries which it considers useful in order to fulfil its mandate, including requests to the Parties for reports, records, documents or any other information from the government authorities and departments.

OBLIGATION OF THE PARTIES

9. The Parties undertake to extend to the Commission all the cooperation that it requires from them in order to gain access to sources of information available to them.

10. The Parties undertake to carry out the recommendations of the Commission.

REPORT

11. The Commission shall submit a final report with its conclusions and recommendations within a period of six months after its establishment.

12. The Commission shall transmit its report to the Parties and to the Secretary-General of the United Nations, who shall make it public and take the decisions or initiatives that he deems appropriate.

13. Once the report has been submitted, the mandate of the Commission shall be considered terminated and the Commission shall be dissolved.

14. The provisions of this Agreement shall not impede the normal investigation of any situation or case, regardless of whether the Commission has investigated them or not, or the application of legal provisions pertaining to any act that is contrary to law.

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